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& Dohme Corp. and Merck & Co., Inc.

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CANDY MILLER, an individual,

Plaintiff,

vs.

MERCK SHARP & DOHME CORP., a
New Jersey Corporation; MERCK &
CO., INC., a New Jersey Corporation;
and DOES 1 through 100, inclusive,

Defendants.

Case No. 2:22-cv-00309-RFB-BNW

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

(FIRST REQUEST)

Plaintiff Candy Miller and Defendants Merck Sharp & Dohme Corp.
and Merck & Co., Inc. (collectively “Merck”) stipulate to extend the deadlines to
complete discovery pursuant to Fed. R. Civ. P. 26, LR IA 6-1, and LR 26-3 as
follows:

I. DISCOVERY COMPLETED

1. Both Plaintiff and Merck made their initial disclosures on March 27, 2023.

2. Plaintiff provided her signed limited authorization to disclose health information on or about March 31, 2023.

3. On April 6, 2023, Merck propounded a first set of interrogatories, to which Plaintiff responded on May 29, 2023.

4. On April 6, 2023, Merck propounded a first set of requests for production, to which Plaintiff responded on May 29, 2023.

5. On May 7, 2023, Plaintiff propounded a first set of requests for production to which Merck responded on July 10, 2023.

6. On July 10, 2023, the parties also exchanged a proposed joint stipulated protective order and a proposed joint ESI protocol which were finalized and submitted to the Court on July 17, 2023 (ECF Nos. 32, 33) and granted on July 19, 2023 (ECF Nos. 34, 35).

7. On May 29, 2023, Plaintiff made her first supplemental disclosure.

8. On June 12, Plaintiff provided Merck with three signed authorizations to disclose health information for the release of medical information for three separate medical related providers.

9. On June 20, 2023, Plaintiff made her second supplemental disclosure.

10. On August 2, 2023 and August 17, 2023, Merck provided Plaintiff Notices of Intent to Serve Subpoena Duces Tecum.

1 11. On August 25, 2023, Merck made a supplemental production of
2 documents in response to Plaintiff's first set of requests for production.

3 **II. DISCOVERY REMAINING TO BE COMPLETED**

4 The parties still need to make their expert disclosures, including
5 Plaintiff and Merck's respective expert disclosures and rebuttal expert disclosures
6 as well as the depositions of those experts.

7 **III. REASON WHY MORE TIME IS NEEDED FOR DISCOVERY**

8 This is the first requested extension of discovery. The parties have
9 worked diligently and largely completed fact discovery. However, an extensive
10 amount of documents have been produced by the parties, including thousands of
11 pages of medical records and billing records from multiple hospitals and medical
12 providers. On August 25, 2023, after the parties agreed and entered into their
13 protective order and ESI protocol, Merck made a supplemental disclosure of
14 documents consisting of nearly 10,000 pages of documents, videos, and excel files.
15 Merck is also still awaiting documents responsive to its subpoena duces tecum. The
16 parties need additional time to review the thousands of pages that have been
17 produced in this matter which could affect the parties' respective discovery
18 strategies moving forward. The parties also want to ensure their respective experts
19 have sufficient time to review all pertinent documents that have been disclosed. Due
20 to the thousands of pages of documents and medical records that must be reviewed,

21 The parties have not yet commenced deposition discovery. Fact and
22 expert depositions will be critical to the parties' respective case preparation;
23 therefore, additional time is needed for the parties to take and complete necessary
24 depositions before the discovery deadline.

IV. CURRENT DEADLINES AND PROPOSED NEW DEADLINES

Event	Current Deadline	Proposed Deadline
Close of Discovery	February 9, 2024	May 9, 2024
Plaintiff's Expert Disclosures	September 12, 2023	December 11, 2023
Merck's Expert Disclosures	October 12, 2023	January 10, 2024
Rebuttal Expert Disclosures	December 11, 2023	March 10, 2024
Expert Depositions Deadline	February 9, 2024	May 9, 2024
Dispositive Motion Deadline	March 11, 2024	June 9, 2024
Joint Pretrial Order	April 10, 2024	July 9, 2024

WETHERALL GROUP, LTD.

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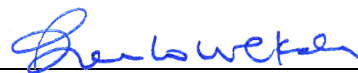
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ORDER

IT IS SO ORDERED.



UNITED STATES MAGISTRATE JUDGE

DATED: 9/12/2023